

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

JAMES C. MARCELLO and  
OLIVIA A. MARCELLO

v.

CA 05-004 ML

JOHN A. DESANO, et al.

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff<sup>1</sup> James Marcello's (James) application to proceed without prepayment of fees. This is James' second attempt to take an appeal in forma pauperis. See Memorandum and Order dated October 31, 2005.

In this application, James attempts again to take an appeal from an interlocutory order. For the reasons set forth in this Court's October 31, 2005 Memorandum and Order, this application is likewise denied.

Plaintiffs James and Olivia have been afforded great latitude because of their pro se status. With this second application to proceed in forma pauperis, however, and taking into account the numerous baseless filings made by plaintiffs in this case, it appears that plaintiffs have abused their right of access to the Court. For that reason, this Court hereby orders plaintiffs James and Olivia Marcello to refrain from filing any additional motions until this Court has disposed of all pending motions. A failure to comply with this order will result in the Court imposing sanctions which may include

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<sup>1</sup>This application is signed by only James Marcello, however the notice of appeal bears both plaintiffs' signatures.

**dismissal of this action with prejudice.**

**SO ORDERED:**

Mary M. Lisi  
Mary M. Lisi  
United States District Judge  
December 7 , 2005